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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Sidney T. Van Assche,

Plaintiff

v.

State of Nevada et al.,

Defendant

Case No.: 2:18-cv-02135-JAD-NJK

**Order Granting Motions to Dismiss  
Claims against Defendants McLane,  
Wise, and Almeyda-Perez**

[ECF Nos. 58, 59, 66]

Pro se plaintiff Sidney T. Van Assche, a former prisoner of the Nevada Department of Corrections, brings this civil-rights action under 42 U.S.C. § 1983. Defendants Jim McLane and Claude Wise move to dismiss the claims against them, and Defendant Julian Almeyda-Perez, M.D. joins in McLane's motion.<sup>1</sup> Van Assche's deadline to respond to these motions passed without opposition or a request to extend the deadline to file one. Local Rule 7-2(d) provides that "[t]he failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion." I apply this rule and construe Van Assche's silence as consent to granting these motions. Accordingly,

IT IS HEREBY ORDERED that **these motions to dismiss [ECF Nos. 58, 59, 66] are GRANTED. All claims against defendants Jim McLane, Claude Wise, and Julian Almeyda-Perez, M.D. are DISMISSED.**

Dated: October 23, 2019

  
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U.S. District Judge Jennifer Dorsey

<sup>1</sup> ECF Nos. 58 (McLane), 59 (Wise), 66 (Almeyda-Perez).